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## **Board of Zoning Appeals**

May 1, 2019

6:00 p.m.

Notice is hereby given that the Board of Zoning Appeals of the Village of Whitehouse will hold a meeting on Wednesday, May 1, 2019, at 6:00 p.m. in the Whitehouse Village Hall, 6925 Providence Street, Whitehouse, OH.

### AGENDA

1. Call to Order
2. Elect officers for the calendar year 2019 (Chairman, Vice Chairman, Secretary)
3. Approve Minutes of the November 7, 2018, meeting.
4. Review, discuss and finalize a ruling regarding Appeal #01-2019 submitted by Kevin & Beth Connors, owners, for construction of an addition to an attached garage at 6423 Whitehouse Valley Drive. A variance is requested for the side yard setback.
5. Any other business as appropriate under the Village Charter.
6. Adjourn.

Jordan D. Daugherty  
Village Administrator

**VILLAGE OF WHITEHOUSE  
BOARD OF ZONING APPEALS MINUTES  
November 7, 2018**

Board members present: Leroy Ryerson, Thomas Spears, Julie Studer, Mike Walters. Also present: Ryan Kudzia, Tax Commissioner Tiffany Bachman, and Community Development Coordinator Barbara Knisely.

The Board of Zoning Appeals (BZA) meeting was called to order by Vice-Chair Mike Walters at 6:00 p.m.

Motion by Tom Spears, seconded by Julie Studer to approve the June 6, 2018, Minutes as written. 4-0

Vice-Chair Walters swore in Ryan Kudzia, who was about to give testimony concerning the request for a side yard setback variance at 11135 West Street.

Appeal No. 03-2018: Mr. Kudzia testified that he would like to build an addition to an existing detached garage located at the rear of his property. He believes the existing garage is five feet from the property line. The current zoning code states garages of this size must be located at least ten feet from the property line. He would like to extend the garage twenty-four feet by thirty-six feet south, keeping it in line with the current garage. The height of the addition would be the same as the existing garage. He has talked to the neighbor and the neighbor does not object to the garage addition. Mr. Kudzia wants additional storage for projects and his recreational vehicles.

Tom Spears moved to approve a five foot variance to the required side yard setback in order to construct an addition to the existing garage. Julie Studer seconded the motion. 4-0

Mr. Kudzia was instructed to check with Village staff as to his next steps and was reminded that construction must start within six months from the date of the granting of this variance.

It was reported that Bob Werner, former BZA member, has moved from the Village and has resigned from this Board. Mayor Atkinson will be appointing a new member soon.

With no further business to come before the Board, Leroy Ryerson moved to adjourn, Tom Spears seconded the motion. Motion passed 4-0 and the meeting was adjourned at 6:06 pm.

Respectfully submitted,

Tiffany Bachman  
Income Tax Commissioner

**STAFF REPORT**  
**BOARD OF ZONING APPEALS #01-2019**  
**May 1, 2019**

Applicant: Kevin & Beth Connors

Date Appeal Filed: April 4, 2019

Subject Property: 6423 Whitehouse Valley Drive, Whitehouse, OH

Request: Applicant is requesting a variance to construct a twenty (20) foot by twelve (12) foot six (6) inch addition onto his existing attached garage.

Adjacent Zoning: To the east, south, north and west: R-2

Adjacent Uses: To the east, south, north and west: Single family home

CONSIDERATIONS:

1. A zoning permit was requested to build an addition onto the existing attached garage at 6423 Whitehouse Valley Drive.
2. The applicant was sent a letter on April 2, 2019, denying the request for a zoning permit due to the lack of the required ten (10) foot side yard setback (Section 1257.01 (B)). Applicant submitted an appeal for a variance to the Board of Zoning Appeals on April 4, 2019.
3. Section 1242.03 (B) of the Zoning Code sets forth the powers and jurisdiction of the BZA as follows:

Variances. To authorize, upon appeal, a variance from the practical difficulties of strict application of the terms of this Zoning Ordinance, where the landowner would be deprived of reasonable return or beneficial use of property by reason of exceptional narrowness, shallowness or shape or exceptional topographic conditions or other extraordinary situation or condition of a lot, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent of the Zoning Ordinance, and provided further that no variance shall be granted unless the Board specifically finds that all of the following conditions exist:

1. The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity.

2. The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.
3. The condition from which relief or a variance is sought did not result from action by the applicant.
4. The authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the health, safety, convenience or general welfare of the inhabitants of the Village.

Respectfully submitted,

Tiffany Bachman  
Planning Administrator



# VARIANCE APPLICATION

Property Address: 6423 Whitehouse Valley Dr

Parcel # \_\_\_\_\_ Property Zoned: R-2

Owner: Kevin + Beth Connors Phone # 419-461-2044

Address: 6423 Whitehouse Valley Dr E-mail: ihbc 07@netzero.com

Applicant/Agent: N/A Phone # \_\_\_\_\_

Address: \_\_\_\_\_ E-mail: \_\_\_\_\_

The undersigned, owner(s), lessee(s), and/or agent(s) for the owner(s) of the following described property, hereby request, a public hearing to consider a variance on said property in Whitehouse:

Variance requested: 5' Setback instead of 10' setback Code Section: \_\_\_\_\_

Legal description: \_\_\_\_\_ (or attach copy)

To be submitted: Site Plan showing lot(s) and building(s) size, location, standard setbacks, drives, structures, natural features, and any on-site changes associated with the Variance Request.

The undersigned state(s) that this Application is complete with all required documentation and a Letter of Intent, including the requirements indicated below.

Signature of Applicant (s): Kevin P Connors Date: \_\_\_\_\_

Signature of Property Owner (s): \_\_\_\_\_ Date: \_\_\_\_\_

## Requirements for a Variance Request; - See Chapter 1242 of the Whitehouse Zoning Code

A Variance is a zoning adjustment which permits minor changes of district requirements where individual properties are both harshly and uniquely burdened by the strict application of the law. The power to vary is restricted and the degree is limited to the minimum change necessary to overcome the inequality inherent in the property. "Variance" means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other districts.

A variance recognizes that the same district requirements do not affect all properties equally; it is used to permit minor changes to allow hardship properties to enjoy equal opportunities with properties similarly zoned. You must prove that your land is affected by special circumstances or unusual conditions. These must result in uncommon hardship and unequal treatment under the strict application of the Zoning Code.

You must prove that the combination of the Zoning Code and the uncommon conditions of your property prevents you from making any reasonable use of your land as permitted by your present zoning district.

No Variance may be granted which would adversely affect surrounding property or the general neighborhood. All Variances must be in harmony with the intent and purposes of the Zoning Ordinance. The Board of Zoning Appeals shall consider the following:

- A. That special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or building in the vicinity.
- B. The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.
- C. The condition from which relief or a variance sought did not result from action by the applicant.
- D. The authorization of a variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonably diminish or impair the health, safety, convenience or general welfare of the inhabitants of Whitehouse.

## (OFFICE USE ONLY)

Date Received: 4.4.19 Fee Paid: \$ 100.00 Check # 1306 Receipt #: 504770

# ORAVECZ & ASSOCIATES, LLC

SURVEYORS & ENGINEERS

474-6664

FAX 474-5059

www.oraveczassociates.com

474-2405

5333 SECOR ROAD SUITE TWO TOLEDO, OHIO 43623

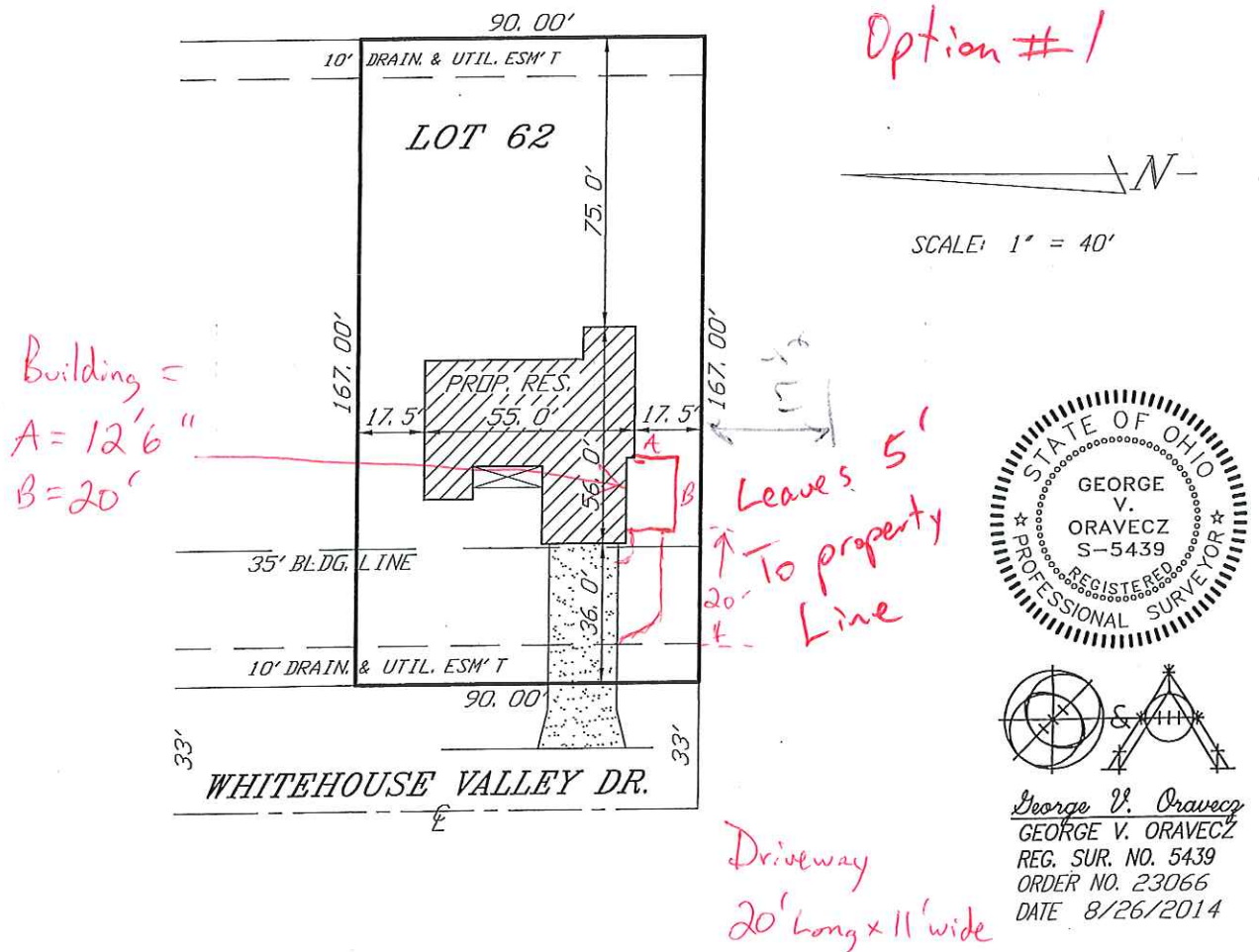
## PLOT PLAN

of

LOT 62, WHITEHOUSE VALLEY PLAT THREE  
VILLAGE OF WHITEHOUSE, LUCAS COUNTY, OHIO

for

HOMES BY JOSH DOYLE















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April 2, 2019

Kevin Connors  
6423 Whitehouse Valley Dr  
Whitehouse, OH 43571

Re: Garage addition at 6423 Whitehouse Valley Dr.

Dear Mr. Connors,

I have reviewed the preliminary drawing requesting a permit for construction of a garage addition at 6423 Whitehouse Valley Dr. in the Village of Whitehouse.

Section 1257.01(B) of the Whitehouse Zoning Code requires a 10 foot side yard setback in an R-2 district. The proposed garage addition would leave approximately a 5 foot setback.

Therefore, I must deny your request for a zoning permit due to the required 10 foot side yard setback. You may appeal my decision by filling out the Appeals Form that was previously given to you and paying the \$100 filing fee to appear before the Board of Zoning Appeals. You will be requesting a 5 foot variance, depending on your final building plans, to allow the addition to your garage.

The next Board of Zoning Appeals meeting is scheduled for Wednesday, May 1, 2019 at 6:00 pm. The paperwork and filing fee will need to be submitted on or before Friday, April 19, 2019 in order to be placed on the May 1<sup>st</sup> agenda.

If you have any questions, please feel free to contact me at 419-877-5383.

Sincerely,

Jill Gundy  
Account Clerk